

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

GILBERTO NORIEGA,

Defendant.

8:07CR420

8:07CR71

ORDER

This matter is before the court on the motions of defendant Gilberto Noriega (Noriega) to file a motion to suppress out of time (Filing No. 15 - 8:07CR420 and Filing No. 246 - 8:07CR71). Noriega's counsel represents that government's counsel has no objection to the motions. Upon consideration, the motions will be granted.

IT IS ORDERED:

1. Defendant Noriega's motions to file a motion to suppress out of time (Filing No. 15 - 8:07CR420 and Filing No. 246 in 8:07CR71) are granted. Noriega is given until **on or before August 22, 2008**, in which to file his motion to suppress. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motions, i.e., the time between **August 13, 2008 and August 22, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The trial setting of these matters for September 9, 2008, before Judge Laurie Smith Camp and a jury is canceled and will be rescheduled following the disposition of the motion to suppress set forth above.

DATED this 13th day of August, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge